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Message Text

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PAGE 01 EC BRU 01554 171510Z

53
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E.O. 11652: N/A
TAGS: PDIP, USUN, EEC
SUBJECT: DIPLOMATIC PRIVILEGES FOR MEMBERS OF EC COMMISSION'S NEW YORK OFFICE

1. EC COMMISSION DEPUTY DIRECTOR GENERAL GALLAGHER CALLED IN DCM FEBRUARY 17 TO DISCUSS RENEWAL OF TALKS WITH US GOVERNMENT AS REGARDS EXTENSION OF DIPLOMATIC PRIVILEGES FOR PERSONNEL IN COMMISSION'S NEW YORK OFFICES. NOTING THAT DIRECTOR OF OFFICE OF NORTH AMERICAN AFFAIRS LESLIE FIELDING WILL BE ACCOMPANYING PRESIDENT ORTOLI DURING FEBRUARY 23-24 WASHINGTON VISIT, GALLAGHER ASKED THAT WE USE OUR GOOD OFFICES TO ARRANGE FOR FIELDING TO SEE APPROPRIATE OFFICIALS IN STATE WHO COULD DISCUSS THIS ISSUE AND HOPEFULLY RESOLVE IT. IN PARTICULAR, HE SAID HE HOPED STATE DEPARTMENT WOULD TAKE INTO ACCOUNT INCREASING ROLE WHICH COMMISSION REPRESENTATIVES IN NEW YORK ARE PLAYING IN COORDINATION OF EC-NINE MEMBER STATES' VIEWS ON WIDE SPECTRUM OF ISSUES IN UN AND UNDERLINE POLITICAL IMPORTANCE OF SUCH COOPERATION IN OVERALL US RELATIONS WITH COMMUNITY.

2. GALLAGHER GAVE DCM INFORMAL WRITTEN SUMMARY OF COMMISSION'S VIES, TEXT OF WHICH FOLLOWS. HE SAID THAT HEAD OF EC DELEGATION IN WASHINGTON SPAAK HAS BEEN INFIRMED THAT COMMISSION IS MAKING THIS REQUEST AND WOULD PROBABLY
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PAGE 02 EC BRU 01554 171510Z

FOLLOW UP WITH DEPARTMENT.

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

3. WE UNDERSTAND THAT PART OF PROBLEM IN THE PAST IN GRANTING DIPLOMATIC STATUS TO COMMISSION OFFICIALS IN NEW YORK MAY HAVE BEEN RELATED TO ISSUE OF PLO REPRESENTATION THERE. GIVEN INCREASING IMPORTANCE WHICH WE ATTACH TO ACTIVE AND CONSTRUCTIVE ROLE OF THE NINE IN SUPPORT OF OUR VIEWS IN UN CONTEXT, WE BELIEVE IT SHOULD NOT BE BEYOND OUR IMAGINATION TO FIND A WAY TO MEET THIS CURRENT REQUEST AND NOT LET IT BE DETERMINED SOLELY BY ITS POSSIBLE RELATIONSHIP WITH PLO PROBLEM. IN ANY CASE, WE URGE THAT DEPARTMENT ARRANGE FOR FIELDING TO SEE THE RIGHT PEOPLE IN STATE ON THIS DURING HIS VISIT NEXT WEEK.

4. BEGIN TEXT OF COMMISSION PAPER.

DIPLOMATIC IMMUNITIES AND PRIVILEGES FOR
THE COMMISSION'S NEW YORK OFFICES

1. THE COMMISSION'S NEW YORK OFFICE AT PRESENT HAS A DUAL FUNCTION:
(A) TO CARRY OUT THE COMMISSION'S PART, IN TANDEM WITH THE PRESIDENCY OF THE COUNCIL OF MINISTERS, IN THE EUROPEAN COMMUNITY'S ROLE AS AN OBSERVER IN THE UN GENERAL ASSEMBLY;
(B) TO CARRY OUT IN NEW YORK CIRCLES THE BILATERAL RESPONSIBILITIES OF THE COMMISSION'S DELEGATION TO THE UNITED STATES, OF WHICH THE HEAD OFFICE IS IN WASHINGTON.

2. THE COMMISSION IS IN THE PROCESS OF STRENGTHENING ITS NEW YORK OFFICE IN ORDER TO PERMIT IT MORE EFFECTIVELY TO DISCHARGE PRIMARILY THE UNSIDE OF ITS WORK (WHICH HAS GREATLY INCREASED SINCE OBSERVER STATUS WAS GRANTED TO THE COMMUNITY) BUT ALSO ITS BILATERAL RESPONSIBILITIES (NOTABLY TOWARDS BUSINESS AND BANKING CIRCLES). THE FULL COMPLEMENT OF OFFICIALS IN NEW YORK BY MID-1976 IS EXPECTED TO BE AS FOLLOWS:
-HEAD OF OFFICE (A-2)
--2 FIRST SECRETARIES (ECONOMIC) (A-5/4)
-1 FIRST SECRETARY (PRESS AND INFORMATION) (A-5/4)
-PROBABLY 1 SECOND SECRETARY (ECONOMIC) (A-7/6)
-POSSIBLY SECRETARIAL AND CLERICAL STAFF WHO ARE PERMANENT, PENSIONABLE EMPLOYEES OF THE COMMISSION
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(I.E. B AND C LEVEL STAFF).

3. IN RECENT YEARS, THE PRECISE STATUS OF THE ONE OR TWO COMMISSION OFFICIALS IN NEW YORK (MUCH OF WHOSE WORK HAS BEEN CONFINED TO THE PRESS AND INFORMATION FIELD) HAS IN PRACTICE BEEN LEFT INDETERMINATE.

4. WITH THE POSTING TO NEW YORK OF A HIGH-RANKING COMMISSION

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

OFFICIAL TO TAKE CHARGE OF THE OFFICE, WITH ADDITIONAL
SUPPORTING OFFICIALS, AND WITH THE POLITICAL NEED FOR A
HIGHER COMMUNITY PROFILE IN UNITED NATIONS AFFAIRS, THE
SERVICES OF THE COMMISSION NOW BELIEVE THAT THE TIME HAS
COME TO CARRY THE QUESTION OF STATUS FORWARD TO A CONCLUSION
FROM THE POINT WHERE IT WAS LEFT IN MR. KRAG'S CONVERSATION
WITH AMBASSADOR CATTO ON 7 MAY 1974. THEY ACCORDINGLY WISH
TO ASK THE US GOVERNMENT TO GRANT TO THE HEAD OF OFFICE AND
THE ABOVE-MENTIONED STAFF DIPLOMATIC PRIVILEGES AND IMMUNITIES
APPROPRIATE TO THEIR RANK AND FUNCTIONS, FIMILAR TO THOSE
EMJOYED BY NATIONAL MISSIONS TO THE UNITED NATIONS, AND TO
THOSE ALREADY ENJOYED BY THE STAFF OF THE COMMISSION'S
DELEGATION IN WASHINGTON.

5. THE COMMISSION ARE NATURALLY READY TO BE GUIDED BY US
VIEWS AS TO THE MOST PRACTICABLE MEANS TO THE FOREGOING ENDS.
EXPLORATORY SOUNDINGS OF THE UN SECRETARIAT'S LEGAL SERVICE
IN NEW YORK CONDUCTED RECENTLY BY THE COMMISSION'S SERVICES
SUGGEST, HOWEVER, THAT EITHER OR BOTH OF THE FOLLOWING MIGHT
BE POSSIBLE:
(I) THE GRANT OF DIPLOMATIC STATUS TO THE HEAD OF THE NEW
YORK OFFICE (AND IF POSSIBLE ALSO HIS OFFICIAL STAFF-
BUT SEE 5(II) AND 6 BELOW) IN HIS OBSERVER CAPACITY (I.E.
PARA 1(A) ABOVE). TO THIS END, HIS NAME WOULD FIGURE ON
THE DIPLOMATIC LIST OF THE DELEGATION IN WASHINGTON.
(PRECEDENTS: SWITZERLAND AND, UNITL FULL UN MEMBERSHIP, THE
FEDERAL REPUBLIC OF GERMANY);
(II) THE GRANT OF DIPLOMATIC STATUS TO THE REMAING
OFFICALS OF DIPLOMATIC RANK BY VIRTUE OF THEIR BILATERAL
ROLE IN NEW YORK (I.E. PARA 1(B) ABOVE). TO THIS END,
THEIR NAMES ALSO WOULD FIGURE ON THE WASHINGTON DIPLOMATIC
LIST. (THE LEGISLATIVE ACT OF THE US CONGRESS TO EXTEND
DIPLOMATIC STATUS TO REPRESENTATIVES OF THE COMMISSION
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PAGE 04 EC BRU 01554 171510Z

SPEAKS OF THE COMMISSION'S "MISSION TO THE UNITED STATES
OF AMERICA". THE SUBSEQUENT PRESIDENTIAL EXECUTIVE ORDER
SPEAKS OF OFFICERS OF THE MISSION"ASSIGNED TO WASHINGTON";
BUT NO DOUBT THIS COULD BE EXTENDED, WITHIN THE FOREGOING
LEGISLATIVE ACT, TO COVER STAFF ELSEWHERE IN THE UNITED
STATES. NOTHING IN THE LEGISLATIVE HISTORY OF THE ACT
WOULD APPEAR TO RULE THIS OUT.)

6. A "BILATERAL"SOLUTION AT (II) WOULD BE NEEDED ONLY IF
THE "UN OBSERVER" SOLUTION AT (I) WERE TO COVER THE SOLE
HEAD OF THE OFFICE AND NOONE ELSE.

7. THE SERVICES OF THE COMMISSION EXPRESS THE HOPE THAT
THE ADMINISTRATION WILL NOW TAKE THE NECESSARY STEPS TO
ENSURE THAT THE COMMISSIONS'S OFFICE IN NEW YORK WILL BE IN

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Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006

A POSITION FULLY TO DISCHARGE ITS RESPONSIBILITIES.

8. THE SERVICES OF THE COMMISSION LOOK FORWARD TO AN EARLY OPPORTUNITY TO DISCUSS THIS MATTER FURTHER WITH THE US ADMINISTRATION. MR. FIELDING, DG-I DIRECTOR OF EXTERNAL OFFICES, HAS BEEN INSTRUCTED TO CONTACT THE DEPARTMENT OF STATE ACCORDINGLY ON WEDNESDAY, 25 FEBRUARY. END TEXT OF COMMISSION PAPER. HINTON

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